

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**BECKLEY DIVISION**

WALTER RC STAMPER,

Plaintiff,

v.

CIVIL ACTION NO. 5:12-cv-00568

UNITED STATES OF AMERICA,

Defendant.

**MEMORANDUM OPINION AND ORDER**

The Court has reviewed the Plaintiff's *Complaint* (Document 1), the *United States' Motion to Dismiss for Failure to State a Claim* (Document 7), and the Plaintiff's letter-form *Motion to Dismiss* (Document 17).


By *Standing Order* (Document 2) entered on February 27, 2012, this action was referred to the Honorable R. Clarke VanDervort, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636. On January 15, 2013, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 18) wherein it is recommend that this Court grant the *United States' Motion to Dismiss for Failure to State a Claim* (Document 7), deny as moot the Plaintiff's letter-form *Motion to Dismiss* (Document 17), dismiss the Plaintiff's *Complaint* (Document 1), and remove this matter from the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by February 1, 2013.

Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that the *United States' Motion to Dismiss for Failure to State a Claim* (Document 7) be **GRANTED**, that the Plaintiff's letter-form *Motion to Dismiss* (Document 17) be **DENIED AS MOOT**, that the Plaintiff's *Complaint* (Document 1) be **DISMISSED**, and that this matter be **REMOVED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge VanDervort, counsel of record, and any unrepresented party.

ENTER: February 4, 2013

  
IRENE C. BERGER  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF WEST VIRGINIA